FILED
APR 12 1948
CHARLES ELMORE CROPLEY

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1947

No. 741

GEORGE D. FINLEY, ET ALS.,

Appellants,

vs.

THE CITY OF TARRANT CITY, A MUNICIPAL CORPORATION, ET ALS.,

Appellees.

STATEMENT OF APPELLEE AND MOTION TO DISMISS

Come the Appellees herein and pursuant to Rule 12 (3) of Rules of Supreme Court of United States files with the Clerk of The Supreme Court of Alabama the following statement disclosing matter or grounds making against the jurisdiction of the Supreme Court of United States, asserted by Appellant, and includes herein their motion to dismiss the appeal.

1. The judgment of the Supreme Court of Alabama appeaded from herein is an interlocutory decree affirming in part a decree of the trial court sustaining demurrers to an amendment to a Bill of Complaint.

2. The judgment appealed from is not a final judgment.

3. The judgment appealed from has in no sense determined the validity of any statute or municipal ordinance with respect to its repugnancy to the constitution, treaties or laws of the United States.

4. The judgment appealed from is not a decision in favor of the validity of the Ordinances alleged to be repugnant to the Constitution of the United States.

5. The judgment appealed from does not dispose of the litigation between the parties.

6. The judgment appealed from shows on its face that the question of the validity vel non of the ordinances alleged to be unconstitutional has not been decided.

Now Therefore, Premises Considered the Appellees move the Court to dismiss the appeal filed herein.

DOUGLASS P. WINGO,
Attorney for Appellees.

GRAHAM, BIBB, WINGO & FOSTER,
Of Counsel.